

Supreme Court, U. S.

FILED

JUN 2 1977

MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-688

CHICAGO TYPOGRAPHICAL UNION NO. 16,

Petitioner,

vs.

NATIONAL LABOR RELATIONS BOARD,

Respondent,

and

HAMMOND PUBLISHERS, INC.

Intervenor.

**SUPPLEMENTAL BRIEF IN SUPPORT OF GRANT OF
PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT.**

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INDEX.

	PAGE
Table of Cases.....	i
Arguments in Support of Granting Writ.....	2
Conclusion	3

TABLE OF CASES.

American Broadcasting Companies, Inc. v. Writers Guild of America, West, Inc., No. 76-1121, <i>cert. gtd.</i> April 20, 1977.....	2
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Intervenor, Hammond Publishers, Inc., upon reconsideration,
hereby files its support for granting the writ of certiorari in the
above-captioned matter.

ARGUMENTS IN SUPPORT OF GRANTING WRIT.

In Light of the Recent Grant of Certiorari in a Related Case, Certiorari Is Both Necessary and Desirable for a Full and Proper Determination of the Legal Issues.

The Intervenor has reconsidered its previous opposition to the writ in light of the Court's recent grant of certiorari in *American Broadcasting Companies, Inc. v. Writers Guild of America, West, Inc.*, No. 76-1121, cert. *grd.* April 20, 1977. The Intervenor now urges that certiorari be granted in order to assure a full and proper determination of the legal issues.

First, certiorari is necessary in order to assure a full consideration of divergent factual patterns. For example, the situation in the instant case differs from *American Broadcasting Companies, Inc.*, as to the amount of bargaining unit work performed by the supervisor-members. If this crucial factual difference is to be treated properly, the Court must hear argument regarding this common variation in fact patterns.

Second, certiorari is necessary in order to assure that the legal issues will be analyzed in the most common industrial context in which they arise. The entertainment industry context in which *American Broadcasting* occurred is atypical with respect to the central issue because of the unique role and great number of the hyphenate supervisor-members. If the basic issue is to be considered in a more typical industrial context, certiorari must be granted in the instant case.

Third, certiorari is desirable because the NLRB's decision in the instant case has clearly emerged as the leading decision on the point at issue. The decision in the instant case is cited as support for the Board's subsequent opinion in *American Broadcasting*. Moreover, the Board itself has already cited the instant case more than thirty times, whereas *American Broadcasting* has been cited only once. It would be highly advantageous for the Court to hear argument with respect to the leading case on the question presented.

Fourth, certiorari is necessary if the Petitioner's legal interests are to be adequately represented. Because of the divergent factual patterns and industrial contexts, Petitioner's interests may be jeopardized if all of the relevant dimensions are not fully explored. Full protection of the Petitioner's legal interests requires that the Court grant certiorari in the instant case.

CONCLUSION.

For the above reasons, the writ of certiorari should be granted.

Respectfully submitted,

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